

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

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Gotham Technology Group, LLC

In re:

BED BATH & BEYOND INC., et al.

Debtors.

Chapter 11

Case No. 23-13359 (VFP)

Judge: Vincent F. Papalia, U.S.B.J.

ORDER

The relief set forth on the following page, numbered two (2) is hereby **ORDERED**.

Honorable Vincent F. Papalia
United States Bankruptcy Judge

Dated:

THIS MATTER having been opened to the Court upon the application by Day Pitney, LLP, attorneys for creditor Gotham Technology Group, LLC (“Gotham”), for an Order (1) setting a deadline of July 12, 2023 for the Debtor to assume or reject an executory contract with Gotham pursuant to 11 U.S.C. § 365(d)(2); (2) requiring the Debtor to pay the related unpaid license payments either as cure amounts due in connection with the assumption of the contract or as post-petition administrative expenses, or, in the alternative, (3) granting Gotham relief from the automatic stay to allow it to terminate the contract and the underlying software license agreement pursuant to 11 U.S.C. § 362(d) (the “Motion”); and the Court having reviewed the moving papers submitted and any opposition thereto; and having heard oral argument, if any; and for good cause having been shown:

IT IS hereby **ORDERED** as follows:

1. Gotham’s Motion is hereby **GRANTED**.
2. The Debtor shall file a motion seeking Court approval to either assume or reject the Gotham Contract, as amended by the March 13, 2023 Letter Agreement, both as defined in the Motion, on or before July 12, 2023.
3. The Debtor shall pay to Gotham the sum of \$150,000 as [*check one*] [☐] a cure amount due in connection with the assumption of the Gotham Contract, as amended by the March 13, 2023 Letter Agreement, to be paid promptly upon the Court’s entry of an order approving the assumption of the contract [☐] a post-petition administrative expense to be paid on or before _____.

In the event the Debtor fails to pay Gotham as required under Paragraph 3 of this Order, and Gotham thereafter files a notice of such nonpayment, then after 3 days from the date on which the notice is filed, the request in the Motion for relief from the automatic stay is deemed **GRANTED** to the extent necessary to permit Gotham to terminate the Gotham Contract and to exercise any remedies provided in the Gotham Contract and in the March 13, 2023 Letter.